

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

**BLUE CROSS AND BLUE SHIELD OF ALABAMA;
MUNICIPAL WORKERS COMPENSATION FUND,
INC.,**

Plaintiffs,

v.

PFIZER INC., ET AL.,

Defendants.

CASE No. 2:06-CV-524-MEF-VPM

**PLAINTIFFS' NOTICE OF FILING
NOTICE OF OPPOSITION TO CONDITIONAL TRANSFER ORDER**

Come now the Plaintiffs, BlueCross and BlueShield of Alabama ("BCBS Alabama") and Municipal Workers Compensation Fund, Inc. ("MWCF"), and provide notice to this Court that Plaintiffs have this date timely filed their Notice of Opposition to Conditional Transfer Order (CTO-27) (copy attached hereto as Exhibit A) with the Judicial Panel on Multidistrict Litigation ("MDL Panel"), in compliance with Rule 7.4(c) of the Rules of Procedure of the MDL Panel ("MDL Rules"). "No transfer . . . determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer . . . unless a hearing session has been held" MDL Rule 16.1(c).

On August 10, 2006 (the day before CTO-27 applicable to this case was issued), the MDL Panel issued its Notice of Hearing Session for September 28, 2006 (copy attached hereto as Exhibit

B), but did not set any cases related to MDL 1629 (the Neurontin MDL) for hearing on that date. The next likely MDL Panel hearing session will be in mid-to-late November.¹

Only after Plaintiffs' Notice of Opposition and Motion to Vacate CTO-27 (which will be filed within 15 days from this date, pursuant to MDL Rule 7.4(d)) are scheduled for a hearing session, and only in the event that the MDL Panel denies Plaintiffs' Motion to Vacate CTO-27, can this case be transferred from this Court. In the meantime, this Court retains jurisdiction to determine whether it lacks subject matter jurisdiction and to rule on Plaintiffs' Motion to Remand to State Court (Dkt. 4). MDL Rules 1.5, 7.4(c) & (e).

Respectfully submitted,

Dated: August 28, 2006

/s/ Pamela B. Slate

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¹ See http://www.jpml.uscourts.gov/Hearing_Information/Hearing_Archives/hearing_archives.html (last accessed August 28, 2006) (MDL Panel Hearing Order Archives).

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CERTIFICATE OF SERVICE

I hereby certify that on this date, August 28, 2006, I electronically filed the foregoing with the Clerk of the United States District Court for the Middle District of Alabama, using the CM/ECF system, which will send notification of such filing to the following:

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